

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD A. EVANS.

Plaintiff.

V.

R. MILAM, ET. AL.,

## Defendants.

Case No. 1:20-cv-00070-AWI-HBK (PC)

**ORDER DENYING PLAINTIFF'S MOTION**

(Doc. No. 54)

Richard A. Evans, a state prisoner, initiated this action by filing a civil rights complaint under 42 U.S.C. § 1983 on January 14, 2020. (Doc. No 1). This case remains in the early stages of litigation. (*See* docket). A § 1915 screening is due on Plaintiff's First Amended Complaint. (Doc. No. 34, "FAC"). Pending before the Court is Plaintiff's one-page motion entitled "motion for federal authorities to relieve CDCR of its jurisdiction and authority over their inmates due to multiple failures to protect," filed December 2, 2020. (Doc. No. 54, "Motion"). In his Motion, Plaintiff generally takes issue with the rates of the Covid-19 virus within the CDCR correctional institutions and attributes the alleged high rates to CDCR's failure to implement sufficient protocols with staff. (*Id.*). Plaintiff requests that federal authorities, such as the United States Marshal, relieve the State of California of its operation of its correctional institutions, specifically its efforts to control Covid-19 in the state prisons. (*Id.*).

<sup>28</sup> “The federal courts do not sit to supervise state prisons, the administration of which is

1 acute interest to the States.” *Meachum v. Fano*, 427 U.S. 215, 229 (1076). Plaintiff cites to no  
2 authority and his Motion otherwise fails to provide any factual allegations which would sustain  
3 federal intervention into the domain of the state’s power over its prisons. *See e.g. Missouri v.*  
4 *Jenkins*, 495 U.S. 33, 51 (1990); *Prieser v. Rodriguez*, 411 U.S. 475, 492 (1973).

5 Accordingly, it is **ORDERED**:

6 Plaintiff’s “motion for federal authorities to relieve CDCR of its jurisdiction and authority  
7 over their inmates due to multiple failures to protect” (Doc No. 54) is DENIED.

8  
9 Dated: July 14, 2021

  
10 HELENA M. BARCH-KUCHTA  
11 UNITED STATES MAGISTRATE JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28